

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **APPARATUS AND METHOD FOR CRYOGENIC INHIBITION OF HYPERPLASIA** the specification of which is attached hereto or X was filed on December 1, 1998 as Application No. 09/203,011 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

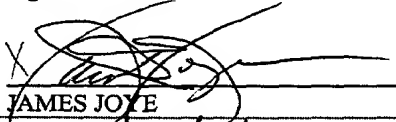

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
08/982,824	12/02/97	Pending

Full Name of Inventor 1:	Last Name: JOYE	First Name: JAMES	Middle Name or Initial:	
Residence & Citizenship:	City: Los Gatos	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 258 East Main Street, Unit C	City: Los Gatos	State/Country: California	Postal Code: 95030
Full Name of Inventor 2:	Last Name: WILLIAMS	First Name: RONALD	Middle Name or Initial:	
Residence & Citizenship:	City: Menlo Park	State/Foreign Country: California	Country of Citizenship: US	
Post Office Address:	Post Office Address: 149 Campo Bello Lane	City: Menlo Park	State/Country: California	Postal Code: 94025

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2
X 	X 
JAMES JOYE	RONALD WILLIAMS
Date 2/3/99	Date 1/29/99

PA 163370 v1

PA 163370 v1

POWER OF ATTORNEY BY ASSIGNEE

Odyssey Technologies, Inc. is the Assignee of the invention entitled: **Apparatus and Method for Cryogenic Inhibition of Hyperplasia**, the specification of which ____ is attached hereto or X was filed on **December 1, 1998** as Application Serial No. **09/203,011**.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Mark D. Barrish, Reg. No. 36,443

James M. Heslin, Reg. No. 29,541

Gary T. Aka, Reg. No. 29,038

Robert C. Colwell, Reg. No. 27,431

Paul C. Haughey, Reg. No. 31,836

David N. Slone, Reg. No. 28,572

William M. Smith, Reg. No. 30,223

James F. Hann, Reg. No. 29,719

Darin J. Gibby, Reg. No. 38,464

Hao Y. Tung, Reg. No. 43,209

Send Correspondence to:

Mark D. Barrish
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:
(Name, reg. no., tele. no.)

Mark D. Barrish
Reg. No.: 36,443
(650) 326-2400

ODYSSEY TECHNOLOGIES, INC.

Date: 1/29/99

By: 
(Signature)

Name: Ronald G. Williams

Title: Chief Financial Officer

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, James Joye, of 258 East Main Street, Unit C, Los Gatos, California 95030 and Ronald Williams, of 149 Campo Bello Lane, Menlo Park, California 94025, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: APPARATUS AND METHOD FOR
CRYOGENIC INHIBITION OF
HYPERPLASIA

Date(s) of execution
of Declaration: _____

Filing Date: December 1, 1998

Application No.: 09/203,011; and

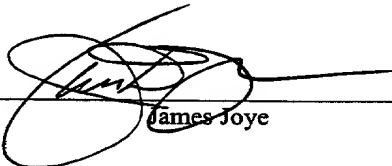
WHEREAS, Odyssey Technologies, Inc., a corporation of the state of Delaware, located at 149 Campo Bello Lane, Menlo Park, CA, 94025, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: X 2/3/99


James Joye

Dated: X 1/29/99


Ronald Williams

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: JOYE et al.

Application No./Patent No.: Unassigned Filed/Issue Date: Herewith

Entitled: APPARATUS AND METHOD FOR CRYOGENIC INHIBITION OF HYPERPLASIA

CRYOVASCULAR SYSTEMS, INC., a DELAWARE CORPORATION
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. An assignment from the inventor(s) of the patent application/patent identified above to ODYSSEY TECHNOLOGIES, INC. The assignment was recorded in the Patent and Trademark Office at Reel 9793, Frame 928, and for which a copy thereof is attached.

2. From: ODYSSEY TECHNOLOGIES, INC. To: CRYOVASCULAR SYSTEMS, INC.
The assignment was recorded in the Patent and Trademark Office at Reel 11742, Frame 533, and for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

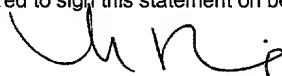
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Oct 15, 2001

Date



Signature

NENA BAINS

Typed or printed name

ATTORNEY OF RECORD

Title

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.